

Submitted on [2011/12/07 at 10:25am](#)

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While the term "non-cropland" indeed possesses broad implications, it is important to temper proposed changes to this effective language with a bit pragmatism. For example, it is virtually impossible to print in a label all of the potential areas that are encompassed in the term "non-cropland". Conversely, it is reasonable to define in pesticide labels those areas which are excluded from the term "non-cropland", e.g: "residential landscape, commercial retail/office landscape, municipal park areas, inter-tidal areas, irrigation ditch banks." Including this type of defining language to specifically limit applicability of the term "non-cropland" yields the benefits of preventing undesirable human exposure while providing this country's enforcement agencies and well-educated, licensed applicators reasonable interpretive lee-way in the performance of their obligations. Thus effectively and responsibly maintaining the core principle of FIFRA risk mitigation without imposing undue burden on stakeholders.

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In addition to Buzz's comments (since we discussed this during our pre-SFIREG meeting), from an enforcement perspective, listing a site or sites as "non"-anything effectively negates the core principle of FIFRA risk mitigation, that being limiting the use of a pesticide to sites and for purposes it has proven to be effective, and within a standard of an acceptable risk. To unintentionally broaden use sites beyond that which was originally intended and approved by EPA, the estimate of environmental load and human health impact is no longer valid.

It was the unanimous position of the states of EPA region 7 (NE, IA, MO, KS) that it would be preferable to eliminate the use of the prefix "non" from any and all site classifications, since it virtually impossible to define what an intended use site is not, rather than what the intended and approved sites are.

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Submitted on [2011/11/02 at 10:00am](#)

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I agree that "non-cropland", is vague because it is used to describe a variety of sites. The same is true for the term "rights-of-way".

To move away from broad and inclusive terms would leave us with needing to have statements such as: "sites including: vacant property, graveled playgrounds, non-vegetative areas around industrial sites, shelter-belts, and similar sites". The list may need to be extensive, or at least representative of what could be considered non-cropland sites.

It might also be necessary to include a statement: "does not include sites linked to public service areas such as: railroad rights-of-way, utility substations, etc." to distinguish the difference between non-cropland sites and rights-of-way sites. I'm sure there have been differences of opinion between states concerning these types of sites.

In our state we have considered rights-of-way sites linked to public service

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areas such as under power lines, under cell towers, along roadsides, public trails, adjacent to railroad tracks, etc.

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**Has Shah**